

## **Nevada AED Law**

### **A.B 147 - Passed July 16, 1997**

Assembly Bill No. 147-Assemblymen Goldwater, Herrera, Giunchigliani, Krenzer, Braunlin and Buckley

#### CHAPTER 474

AN ACT relating to medical care; limiting the circumstances under which certain persons may communicate with the physician or chiropractor of an injured employee; requiring the administrator of the division of industrial relations of the department of business and industry to encourage employers to hire persons trained to render emergency medical care involving the use of an automatic external defibrillator; providing that certain persons who are trained to provide such care and their employers are not liable for civil damages resulting from the provision of that care under certain circumstances; and providing other matters properly relating thereto.

[Approved July 16, 1997]

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 616D of NRS is hereby amended by adding thereto a new section to read as follows:

1. An insurer, an employer, an organization for managed care, a third-party administrator or the representative of any of those persons, the Nevada attorney for injured workers or an attorney or other compensated representative of an injured employee shall not initiate:
  - (a) Any oral communication relating to the medical disposition of the claim of an injured employee with the injured employee's examining or treating physician or chiropractor unless the initiator of the oral communication:
    - (1) Maintains, in written form or in a form from which a written record may be produced, a log that includes the date, time and subject matter of the communication; and
    - (2) Makes the log available, upon request, to each insurer, organization for managed care and third-party administrator interested in the claim or the representative of each of those

persons, the administrator and the injured employee, his representative and his employer; or

(b) Any written communication relating to the medical disposition of the claim with the injured employee's examining or treating physician or chiropractor unless a copy of the communication is submitted to the injured employee or his representative in a timely manner.

2. If the administrator determines that a person has violated the provisions of this section, he shall:

(a) For an initial violation, issue a notice of correction.

(b) For a second violation, impose an administrative fine of not more than \$250.

(c) For a third or subsequent violation, impose an administrative fine of not more than \$1,000.

Sec. 2. Chapter 618 of NRS is hereby amended by adding thereto a new section to read as follows:

The administrator shall encourage all employers who are required to establish a written safety program pursuant to NRS 618.383 to include as a part of that program the employment of a person who has successfully completed the training requirements of a course in basic emergency care of a person in cardiac arrest that:

1. Included training in the operation and use of an automatic external defibrillator; and
2. Was conducted in accordance with the standards of the American Heart Association.

Sec. 3. NRS 41.500 is hereby amended to read as follows:

41.5001. Except as otherwise provided in NRS 41.505, any person in this state [,] who renders emergency care or assistance in an emergency, gratuitously and in good faith, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by him in rendering the emergency care or assistance or as a result of any act or failure to act, not amounting to gross negligence, to provide or arrange for further medical treatment for the injured person.

2. Any person in this state who acts as a driver of an ambulance or attendant on an ambulance operated by a volunteer service or as a

volunteer driver or attendant on an ambulance operated by a political subdivision of this state, or owned by the Federal Government and operated by a contractor of the Federal Government, and who in good faith renders emergency care or assistance to any injured or ill person, whether at the scene of an emergency or while transporting an injured or ill person to or from any clinic, doctor's office or other medical facility, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by him in rendering the emergency care or assistance, or as a result of any act or failure to act, not amounting to gross negligence, to provide or arrange for further medical treatment for the injured or ill person.

3. Any appointed member of a volunteer service operating an ambulance or an appointed volunteer serving on an ambulance operated by a political subdivision of this state, other than a driver or attendant, of an ambulance, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by him whenever he is performing his duties in good faith.

4. Any person who is a member of a search and rescue organization in this state under the direct supervision of any county sheriff who in good faith renders care or assistance in an emergency to any injured or ill person, whether at the scene of an emergency or while transporting an injured or ill person to or from any clinic, doctor's office or other medical facility, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by him in rendering the emergency care or assistance, or as a result of any act or failure to act, not amounting to gross negligence, to provide or arrange for further medical treatment for the injured or ill person.

5. Any person who is employed by or serves as a volunteer for a public fire-fighting agency and who is authorized pursuant to chapter 450B of NRS to render emergency medical care at the scene of an emergency is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by that person in rendering that care or as a result of any act or failure to act, not amounting to gross negligence, to provide or arrange for further medical treatment for the injured or ill person.

6. Any person who:

(a) Has successfully completed a course in cardiopulmonary resuscitation according to the guidelines of the American National Red Cross or American Heart Association;

(b) Has successfully completed the training requirements of a course in basic emergency care of a person in cardiac arrest conducted in accordance with the standards of the American Heart Association; or

(c) Is directed by the instructions of a dispatcher for an ambulance, air ambulance or other agency that provides emergency medical services before its arrival at the scene of the emergency, and who in good faith renders cardiopulmonary resuscitation in accordance with his training or the direction, other than in the course of his regular employment or profession, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by that person in rendering that care.

7. Any person who has successfully completed the training requirements of a course in basic emergency care of a person in cardiac arrest that:

(a) Included training in the operation and use of an automatic external defibrillator; and

(b) Was conducted in accordance with the standards of the American Heart Association, and who renders emergency medical care involving the use of an automatic external defibrillator in accordance with his training is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by that person in rendering that care. A business or organization that employs a person who renders emergency care in accordance with this subsection is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by the person rendering such care or for providing the automatic external defibrillator to the person for the purpose of rendering such care.